Table of Contents
IAB# IV2308699/FO2292992

PERSONNEL INVESTIGATION FORM

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

- (2) IAB interviews of Subject Deputy Jeremy Esswein
- Lancaster Station's interview of Civilian Witness [redacted]
- IAB interview of Civilian Witness [redacted]
- Lancaster Station's interview of Civilian Witness [redacted]
- (2) IAB interviews of Civilian Witness [redacted]
- Lancaster Station's interview of Civilian Witness [redacted]
- IAB interview of Civilian Witness [redacted]
- IAB interview of Civilian Witness [redacted]

EXHIBITS

A - CD containing audio of Dispatch 15 & L-Tac re: 9-1-1 call, coordination, and "10-33" transmissions.
B - Printout of Incident Details of call for service, Tag 251.
C - Copy of Los Angeles County Sheriff's Department Incident and Supplemental Reports under file #911-06133-1126-053.
D - DVD containing Antelope Valley Hospital security footage of incident.
E- Copy of Lancaster Station's approved Force Review Packet.
F - DVD containing interviews of Civilian Witnesses, [redacted], [redacted], and [redacted] by Sergeant [redacted]
G - Transcripts of Civilian Witness [redacted] interview by Sergeant [redacted]
H - Transcripts of Civilian Witness [redacted] interview by Sergeant [redacted]
I - Transcripts of Civilian Witness [redacted] interview by Sergeant [redacted]
J - Copy of certified letter mailed to Suspect Marco Chiclana and receipt of delivery.
K - Training Record for Deputy Jeremy Esswein.

MISCELLANEOUS DOCUMENTS

- Un-signed Administrative Rights for Force/Shooting Review form and unsigned Administrative Rights for Subject form.
- (2) Signed Receipts for Investigative Material.
- Copies of Request for IAB Supplemental Force Review and IAB Investigation memorandums.

Supervisor's Report on Use of Force

Incident Information

URN: 911 - 06133 - 1126 - 053	Date: 4/2/11	Time: 1700 hrs	
Location: 1600 West Avenue J, Lancaster CA 93535	City or Station: Lancaster Station		
Bureau/Station/Facility: FOR I / Lancaster Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant /Personal Weapons / Impact Weapons / Taser / Carotid Restraint / Injury			
Deputy Injury : YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Fredricks	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Employee #: [redacted]	Last Name: Esswein	First Name: Jeremy	Middle Name: M.
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Lancaster Station	Work Assignment (Unit #, Module, etc.): 111B
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 510 / Weight: 225
☒ Injured ☒ Treated ☐ Admitted	Hospital: Antelope Valley Hospital	Coroner Case #:	Directed Force ☐ Significant Force ☒

E2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Lancaster Station	Work Assignment (Unit #, Module, etc.): 111A
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 510 / Weight: 205
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #:	Directed Force ☐ Significant Force ☒

E3

Employee #: [redacted]	Last Name: Foster	First Name: Curtis	Middle Name: D.
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Lancaster Station	Work Assignment (Unit #, Module, etc.): 111
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 510 / Weight: 225
☒ Injured ☒ Treated ☐ Admitted	Hospital: Antelope Valley Hospital	Coroner Case #:	Directed Force ☐ Significant Force ☒

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	SGT	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp.	Last Name	First Name	Middle Name
[redacted]	Reddish	David	R.

Watch Commander

Emp.	Last Name	First Name	Middle Name
[redacted]	Pfrehm	Paul	H.

Paul H. Pfrehm, Sergeant	Sgt. P. Pfrehm	[redacted]	4/25/11
Watch Commander (**Print Name**)	Watch Commander's **Signature**:	Emp #:	Date
Kevin Schlecht, Sergeant	[redacted]	Copy Provided to Employee by: [redacted]	
Supervisor Completing Form: (**Print Name**)	Emp #:		Emp #:
Robert Jonsen, Captain	[signature]	[redacted]	7/22/11
Unit Commander (**Print Name**)	Unit Commander's **Signature**:	Emp #:	Date

DISCOVERY Use Only

FO# 2292992

1 - CD
2 - DVD

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
911-06133-1126-053

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lancaster Station	111T1

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	195

	Hospital	Coroner Case #	
☒ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lancaster Station	112D

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	506	165

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Lancaster Station	112N

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	180

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 7

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lancaster Station	110S

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	180

	Hospital	Coroner Case #	
☒ Injured ☒ Treated ☐ Admitted	Antelope Valley Hospital		Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
911-06133-1126-053

Suspect Information

S 1

Last Name: Chiclana | First Name: Marco | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Age: 34 | Height: 508 | D.O.B. 02-04-77 | Weight: 270 | Armed? ☐

Booking #: 2694629 | Primary Charge Code: 69 PC | Secondary Charge Code: 664/203 PC | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: AMR | Unit: #0896 | Phone #: 661-945-9300

Hospital Admission? ☐ | Rec'd Treatment At: Antelope Valley Hospital | Coroner Case #: | Mental History ☐

By Doctor: Michael Gertz | Address: 1600 West Avenue J, Lancaster CA 93535 | Phone #: 661-949-5000

Under Influence: ☐ YES ☒ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: 04/02/11 | Time: 1919 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
911-06133-1126-053

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Non-Employee Witnesses

Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.:	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.:	Home Ph.: [redacted]
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Chiclana	S#1	Deputy Esswein	E#1	UC RS	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	PP	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	RS	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	PP	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	CT	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	PH	FR	NO
Suspect Chiclana	S#1	Deputy Esswein	E#1	PH	BR	HD
Deputy Esswein	E#1	Suspect Chiclana	S#1	CT	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	PH	AB, BR	FA
Deputy Esswein	E#1	Suspect Chiclana	S#1	PH	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	PH	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	CT	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	PH	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	PP	NN	NN
Sergeant [redacted]	E#7	Suspect Chiclana	S#1	CR	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	PH	NN	NN
Sergeant [redacted]	E#7	Suspect Chiclana	S#1	TD	AB	HD
Suspect Chiclana	S#1	Sergeant [redacted]	E#7	PO	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	PH	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	PH	NN	NN
Suspect Chiclana	S#1	Sergeant [redacted]	E#7	PH	LC	FA
Sergeant [redacted]	E#7	Suspect Chiclana	S#1	CR	NN	NN
Sergeant [redacted]	E#7	Suspect Chiclana	S#1	TT	CP	BK
Suspect Chiclana	S#1	Sergeant [redacted]	E#7	RS	NN	NN
Deputy [redacted]	E#2	Suspect Chiclana	S#1	FL	BR	AR

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
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(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
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(AB) Abrasion
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(CO) Concussion
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(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
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(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
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(AR) Arm
(BK) Back
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(CH) Chest
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(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Chiclana	S#1	Sergeant [redacted]	E#7	PH	NN	NN
Deputy [redacted]	E#2	Suspect Chiclana	S#1	RS	NN	NN
Deputy [redacted]	E#4	Suspect Chiclana	S#1	PH	NN	NN
Deputy [redacted]	E#4	Suspect Chiclana	S#1	CT	NN	NN
Suspect Chiclana	S#1	Deputy [redacted]	E#4	RS	BR	KN
Deputy [redacted]	E#4	Suspect Chiclana	S#1	PH	NN	NN
Suspect Chiclana	S#1	Deputy [redacted]	E#4	RS	NN	NN
Deputy Esswein	E#1	Suspect Chiclana	S#1	PH	NN	NN
Suspect Chiclana	S#1	Deputy Esswein	E#1	RS	NN	NN
Deputy Foster	E#3	Suspect Chiclana	S#1	CT	NN	NN
Deputy Foster	E#3	Suspect Chiclana	S#1	PO	FR	FA
Suspect Chiclana	S#1	Deputy Foster	E#3	RS	AB	KN
Deputy [redacted]	E#5	Suspect Chiclana	S#1	BC	NN	NN
Deputy Foster	E#3	Suspect Chiclana	S#1	TR	NN	NN
Deputy [redacted]	E#6	Suspect Chiclana	S#1	CT	NN	NN
Suspect Chiclana	S#1	Deputy [redacted]	E#6	RS	NN	NN
Deputy Foster	E#6	Suspect Chiclana	S#1	TR	NN	NN
Deputy [redacted]	E#6	Suspect Chiclana	S#1	CT	NN	NN
Deputy [redacted]	E#6	Suspect Chiclana	S#1	RH	NN	NN
Sergeant [redacted]	E#7	Suspect Chiclana	S#1	RH	NN	NN
Deputy [redacted]	E#2	Suspect Chiclana	S#1	RH	NN	NN
Deputy [redacted]	E#4	Suspect Chiclana	S#1	RH	NN	NN

Force Applied

SIGNIFICANT / TAKE DOWN / CAROTID RESTRAINT / IMPACT WEAPON PERSONAL WEAPONS / RESISTED HANDCUFFING / TASER

Incident Details

On April 2nd 2011, at approximately 1700 hrs, Deputy Esswein (111B), Deputy [redacted] Deputy [redacted] (112N), Deputy [redacted] (111A), and Sergeant [redacted] (110S) were dispatched to Antelope Valley Hospital (1600 West Avenue J, Lancaster) regarding an "assault with a deadly weapon (245(a)(1) PC), just occurred" call. The call further detailed a male Hispanic was stabbed in the face with a screwdriver, and the disturbing party was standing in front of the hospital near a white Nissan Xterra. Additionally, the informant hung up on dispatch, and there was no answer on the callback.

Deputy Esswein was first to arrive at the location. Moments later, LASD Aero Bureau (AIR 29) also arrived at the location. Upon his arrival, Deputy Esswein saw a Nissan Xterra (CA Lic # [redacted] white, 4 door) parked against the west curb line at the east patients entrance of the hospital. Deputy Esswein approached the SUV and saw an older male Hispanic adult (later described as [redacted] sitting in the driver's seat with the door open. Deputy Esswein contacted [redacted] who appeared upset. [redacted] spoke to him in Spanish but Deputy Esswein did not understand.

While attempting to communicate with [redacted] a second male Hispanic adult (later described as S/Chiclana) walked from the north/west side (rear) of the SUV and approached Deputy Esswein. Deputy Esswein immediately realized S/Chiclana was extremely large in stature (5'08" / 280 lbs.) and had a large bulging stomach. In addition, S/Chiclana had a very thick neck and broad shoulders. Deputy Esswein saw S/Chiclana had a small laceration on his right cheek. S/Chiclana also appeared upset. Deputy Esswein asked S/Chiclana what had happened. S/Chiclana stated his [redacted] had cut him with a screwdriver. While speaking with S/Chiclana, Deputy Esswein saw he had both his (S/Chiclana) hands tucked in his pockets. Deputy Esswein asked S/Chiclana to remove his hands from his pockets due to officer safety.

S/Chiclana removed his left hand from his pocket and pushed it towards Deputy Esswein while stating, "Don't even start with me." S/Chiclana's right hand was still tucked into his right pocket. Deputy Esswein feared S/Chiclana had a weapon in his right pocket which was the reason why he would not remove his right hand. Using a firm grip, Deputy Esswein grabbed S/Chiclana's left arm and attempted to place it behind his back. Simultaneously, Deputy Esswein pushed S/Chiclana into the rear driver's side quarter panel of the vehicle, in an attempt to gain leverage, due to S/Chiclana's extremely large stature. S/Chiclana immediately tightened the muscles in his left arm and attempted to pull his arm from Deputy Esswein's grasp. At this point, Deputy Esswein had still not seen S/Chiclana's right hand, as it was still tucked into his right pocket. Deputy Esswein believed S/Chiclana was attempting to free his arm in order to assault him. Deputy Esswein took a slight step back from S/Chiclana while maintaining control of his left arm and requested assistance via his portable radio.

S/Chiclana pushed backwards off the SUV using his left shoulder and legs. This motion caused S/Chiclana's body to thrust backwards into Deputy Esswein. Deputy Esswein ordered S/Chiclana to remove his right hand from his pocket. S/Chiclana removed his right hand from his pocket, and was grasping a yellow handled

screwdriver. Upon seeing the screwdriver, Deputy Esswein believed it was the weapon used in the assault which occurred prior to his arrival. S/Chiclana was holding the screwdriver in his right hand by the handle, with the blade pointed down.

While still grasping S/Chiclana's left hand, Deputy Esswein reached across his (S/Chiclana) body to knock the screwdriver out of his hand and prevent being stabbed. Deputy Esswein was not able to reach the screwdriver. A male Hispanic adult (NFD) ran toward their location, at which time S/Chiclana handed the screwdriver to him. The unknown individual then took the screwdriver from S/Chiclana and walked back to the west curb line.

S/Chiclana turned his body toward Deputy Esswein. Now facing him, Deputy Esswein grabbed S/Chiclana's upper torso area, and attempted to force him to the ground. Due to S/Chiclana's size, strength, and obese body structure, Deputy Esswein was unable to force him to the ground. Deputy Esswein feared S/Chiclana was going to strike him in the face. Deputy Esswein hit S/Chiclana in the face with his right fist. S/Chiclana then punched Deputy Esswein once in the right side of his head and once in the left side of his head, with his (S/Chiclana) fist. Deputy Esswein grabbed S/Chiclana near his right shoulder with his left hand, and hit S/Chiclana in his face with his right hand several more times.

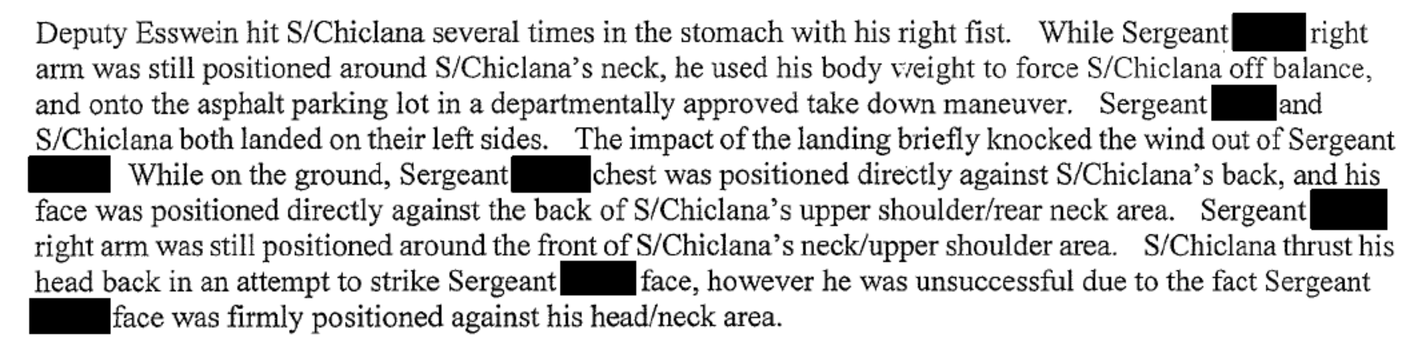
While Deputy Esswein was still fighting with S/Chiclana, two male Hispanic adults (NFD) approached them. He feared one of the male Hispanic adults, was the individual that had the screwdriver. Deputy Esswein feared the individuals were coming to S/Chiclana's aid and were going to assault him. The two individuals were yelling profanities at him. Because he was focused on S/Chiclana's punches, Deputy Esswein lost sight of the two individuals.

While attempting to deflect as many of S/Chiclana's punches as possible, Deputy Esswein was attempting to hit S/Chiclana in the face with his right fist, to stop the assault. Deputy Esswein ordered S/Chiclana several times to stop fighting and get on the ground. S/Chiclana refused to follow Deputy Esswein's orders and continued punching him in the upper torso. S/Chiclana grabbed the left shoulder area of Deputy Esswein's uniform with his right hand, and ripped it. Simultaneously, while ripping Deputy Esswein's uniform, S/Chiclana continued punching him with his left hand. Deputy Esswein's punches to S/Chiclana seemed to have to no effect on him, as he continued to assault Deputy Esswein.

Sergeant [redacted] arrived on scene and saw S/Chiclana fighting with Deputy Esswein. S/Chiclana was physically pushing Deputy Esswein backwards toward the east side raised concrete curb of the patient drop off area. Sergeant [redacted] saw several individuals (NFD) partially surrounding Deputy Esswein and S/Chiclana. Sergeant [redacted] immediately realized that Deputy Esswein was physically outmatched as compared to S/Chiclana and would suffer serious physical injury if he did not intervene.

Sergeant [redacted] yelled at S/Chiclana to stop fighting with Deputy Esswein. The suspect refused to comply. Because of S/Chiclana's assaultive/high risk behavior Sergeant [redacted] decided to apply the carotid restraint. Sergeant [redacted] positioned his body behind S/Chiclana and attempted to place him in a carotid restraint. Sergeant [redacted] placed his right arm around S/Chiclana's neck. He was unable to lock his left arm into position to effectively apply the carotid restraint because S/Chiclana was violently thrusting his entire body from side to side and back and forth. Sergeant [redacted] quickly realized that he and Deputy Esswein were physically outmatched and would likely be unable to control S/Chiclana without further assistance and/or the use of less

lethal weapons.



Deputy Esswein hit S/Chiclana several times in the stomach with his right fist. While Sergeant [redacted] right arm was still positioned around S/Chiclana's neck, he used his body weight to force S/Chiclana off balance, and onto the asphalt parking lot in a departmentally approved take down maneuver. Sergeant [redacted] and S/Chiclana both landed on their left sides. The impact of the landing briefly knocked the wind out of Sergeant [redacted] While on the ground, Sergeant [redacted] chest was positioned directly against S/Chiclana's back, and his face was positioned directly against the back of S/Chiclana's upper shoulder/rear neck area. Sergeant [redacted] right arm was still positioned around the front of S/Chiclana's neck/upper shoulder area. S/Chiclana thrust his head back in an attempt to strike Sergeant [redacted] face, however he was unsuccessful due to the fact Sergeant [redacted] face was firmly positioned against his head/neck area.

S/Chiclana rolled towards his right side, and positioned himself on all fours (hands and knees). S/Chiclana attempted to punch Deputy Esswein several more times with his right hand. Deputy Esswein tried to control S/Chiclana's right hand but was unable to. Deputy Esswein continued to hit him in the face and his right torso. His punches appeared to have no effect. S/Chiclana reached backwards with his hand (possibly left hand) and intentionally gouged Sergeant [redacted] right eye with one of his fingers while stating, "Get off me." S/Chiclana's finger entered Sergeant [redacted] right eye socket at which time he felt excruciating pain. Sergeant [redacted] could not see anything out of his right eye which was filled with blood, and he was struggling to see out of his left eye. Sergeant [redacted] yelled to the assisting deputies that he could not see and he had blood in his eyes.

After S/Chiclana gouged Sergeant [redacted] right eye, he quickly thrust his head backwards due to the extreme physical pain, at which time he briefly released his grasp of S/Chiclana. Sergeant [redacted] quickly regained his composure and again attempted to apply the carotid restraint to S/Chiclana. He placed his right arm around S/Chiclana's neck. But he was unable to effectively position his left arm to apply the carotid restraint. Sergeant [redacted] used his body weight to assist Deputy Esswein in forcing S/Chiclana back down to the asphalt. He again landed on hands and knees. Sergeant [redacted] was still on his back.

Deputy [redacted] arrived at the location and exited his patrol vehicle while holding his flashlight in his hand. Deputy [redacted] saw S/Chiclana fighting with Sergeant [redacted] and Deputy Esswein. S/Chiclana was still on his hands and knees, attempting to stand up. Deputy [redacted] positioned himself on the right side (east) of S/Chiclana. Deputy [redacted] did not have time to secure his flashlight and retrieve his baton. Using his flashlight as a weapon of necessity, Deputy [redacted] hit S/Chiclana in the right rib area/upper torso approximately five to seven times. The impact of Deputy [redacted] flashlight seemed to have no effect. S/Chiclana continued his assault on Sergeant [redacted] by attempting to punch him with his right hand.

Deputy [redacted] (111T1) arrived at the location. He saw S/Chiclana attempting to stand. S/Chiclana was violently shifting his body back and forth attempting to throw Sergeant [redacted] off his back. He positioned himself on the left side (west) of S/Chiclana, Deputy [redacted] yelled at S/Chiclana to stop fighting, however he continued fighting. Deputy [redacted] hit S/Chiclana on the left side of his upper torso with his left hand two to three times. Deputy [redacted] efforts had no effect on S/Chiclana. Deputy [redacted] grabbed S/Chiclana's left arm with both his hands, in an attempt to position it behind his (S/Chiclana's) back, but he was not able to gain control. Deputy [redacted] hit S/Chiclana in the left rib area with his left fist, an additional two to three times. Simultaneously, as Deputy [redacted] hit S/Chiclana, Deputy Esswein repositioned himself to the ground near S/Chiclana's head (north side). Deputy Esswein saw S/Chiclana was violently twisting his body from side to

side and thrusting his hands toward deputies. Deputy Esswein hit S/Chiclana in the back of his head (approximately four to five times) with his right hand. Deputy Esswein's punches did not appear to have an effect, as S/Chiclana again attempted to get up off the ground. Deputy Esswein hit S/Chiclana in his face approximately four to five times, with his right fist.

Simultaneously, as Deputy Esswein was hitting S/Chiclana, Deputy Foster (111) arrived at the location. Due to S/Chiclana's continued assaultive behavior, Deputy Foster positioned himself next to S/Chiclana's head (north side). Deputy Foster grabbed the back of S/Chiclana's head with both his hands and hit his right knee against the top of S/Chiclana's head approximately three to four times. After hitting S/Chiclana, Deputy Foster saw him continuing to thrash his body back and forth, and believed he was attempting to again stand up.

Deputy [redacted] (112D) arrived at the location and saw S/Chiclana's kicking his legs/feet, which were not restrained. Deputy [redacted] feared S/Chiclana was going to strike one of the deputies with his flailing legs and feet. Deputy [redacted] retrieved his baton (PR-24). Using his upper body weight, he pressed his baton against the back of S/Chiclana's legs in order to immobilize them to the ground.

Deputy [redacted] and Deputy [redacted] arrived at the location. Deputy [redacted] immediately ran to the crowd which was forming just west of the altercation. Deputy [redacted] provided crowd control during the incident. Deputy Foster decided to deploy the Taser. Deputy Foster moved toward the right side (esat) of S/Chiclana and announced that he was going to deploy his Taser. Deputy Foster deployed his Taser for a five second cycle. The Taser darts entered S/Chiclana's right lower back. The Taser deployment appeared to have little or no effect on S/Chiclana.

Deputy [redacted] placed himself next to S/Chiclana on the right side (east) in order to handcuff him. Deputy [redacted] grabbed S/Chiclana's right wrist with both his hands which was tucked under his chest. S/Chiclana pulled his arm from Deputy [redacted] grasp and attempted to place it near his chest. S/Chiclana continued flailing his right arm, and would not let Deputy [redacted] secure his handcuffs on him. Fearing S/Chiclana was going to strike another deputy, Deputy Foster activated his Taser an additional time, for a five second cycle. After the second Taser activation, S/Chiclana stopped his assaultive actions and stated, "Ok I'm done."

Deputy [redacted] again grabbed S/Chiclana's right hand with both his hands, which was positioned near his (S/Chiclana) chest. Deputy [redacted] placed S/Chiclana's right hand behind his back and secured his handcuff on S/Chiclana's right wrist. Sergeant [redacted] was still positioned on S/Chiclana's back. After Deputy [redacted] announced he had S/Chiclana's right wrist handcuffed, Sergeant [redacted] released his grasp of S/Chiclana's upper shoulder area. Deputy [redacted] and Sergeant [redacted] assisted Deputy [redacted] by grabbing his right arm with both their hands, at which time his (S/Chiclana) arm was still somewhat tense. Deputy [redacted] grabbed S/Chiclana's left wrist with both his hands and placed it behind his (S/Chiclana) back. Deputy [redacted] secured the remaining handcuff on S/Chiclana's left wrist without further incident. Deputy [redacted] then released his baton which was securing S/Chiclana's legs.

After S/Chiclana was safely handcuffed, Los Angeles County Fire was called to the scene. S/Chiclana was transported to by ambulance to the Antelope Valley Hospital (AVH) emergency room. While at the hospital, Deputy [redacted] accompanied S/Chiclana during his medical evaluation. Deputy Davis (112) transported S/Chiclana to Lancaster Station and where he was booked on the indicated charges.

Sergeant [redacted] contacted Witness [redacted] who stated there was security video footage of the incident. Sergeant [redacted] briefly viewed the video in the presence of Witness [redacted] the night of the incident. The video depicted the events noted above. He later obtained and examined the security video. He saw S/Chiclana make contact with Deputy Esswein (12 min/22 sec-time lapsed video). After his initial contact, S/Chiclana started fighting with Deputy Esswein ten seconds later (12 min/33 sec). The entire altercation lasted 94 seconds (just over 1 ½ minutes) at which time S/Chiclana was handcuffed (14 min/7 sec).

The security video was submitted with this force packet. Additionally, a download of Taser used by Deputy Foster (serial # X00-175814) was submitted with this use of force packet. The Taser was activated for a five second cycle, two separate times. Due to unknown circumstances, the date (07/19/00) and time (1942 hrs) that are recorded on the download are incorrect. The correct date/time were updated after the Taser information was downloaded (as indicated in the attached paperwork).

In addition, I reviewed the voice print and incident details (LAN11092-0251) of the incident. At 1702 hrs the call was voiced and dispatched via the MDT. At 1702 hrs, the call was updated on the MDT to note, a male Hispanic adult stabbed the informant's husband in the face with a screwdriver. At 1703 hrs, the call was updated on the MDT to note, the disturbing party was standing in front of the hospital. The informant then hung up and there was no answer on the call back. Lastly, at 1704 hrs, the call was updated via voiced dispatch and MDT that the disturbing party was inside a white Nissan Xterra.

Deputy Esswein arrived to the location at 1704 hrs and contacted the parties involved. He requested emergency assistance at 1705 hrs. Deputy Esswein had already exited his patrol vehicle prior to the MDT update, and was already contacting the involved parties when the update was voiced. Deputy Esswein stated he did not hear a voiced update after he exited his patrol vehicle, which was likely due to the hysterical nature (yelling and screaming) of the involved parties. Thus, Deputy Esswein was not aware of the last and final update (1704 hrs), that the disturbing party was inside the Nissan Xterra. Due to this lack of this information, Deputy Esswein had no way of knowing who was actually involved in the assault prior to his arrival at the location.

Reported Use of Force by Involved Employee(s)

DEPUTY ESSWEINS'S STATEMENT

Deputy Esswein completed a detailed incident report documenting his actions and observations which was consistent with his verbal report of force.

DEPUTY [redacted] STATEMENT

Deputy [redacted] completed a detailed supplemental report documenting his actions and observations which was consistent with his verbal report of force.

DEPUTY FOSTER'S STATEMENT

Deputy Foster completed a detailed supplemental report documenting his actions and observations which was consistent with his verbal report of force.

DEPUTY [redacted] STATEMENT

Deputy [redacted] completed a detailed supplemental report documenting his actions and observations which was consistent with his verbal report of force.

DEPUTY [redacted] STATEMENT

Deputy [redacted] completed a detailed supplemental report documenting his actions and observations which was consistent with his verbal report of force.

DEPUTY [redacted] STATEMENT

Deputy [redacted] completed a detailed supplemental report documenting his actions and observations which was consistent with his verbal report of force.

SERGEANT [redacted] STATEMENT

Sergeant [redacted] completed a detailed supplemental report documenting his actions and observations which was consistent with his verbal report of force.

DEPUTY [redacted] STATEMENT

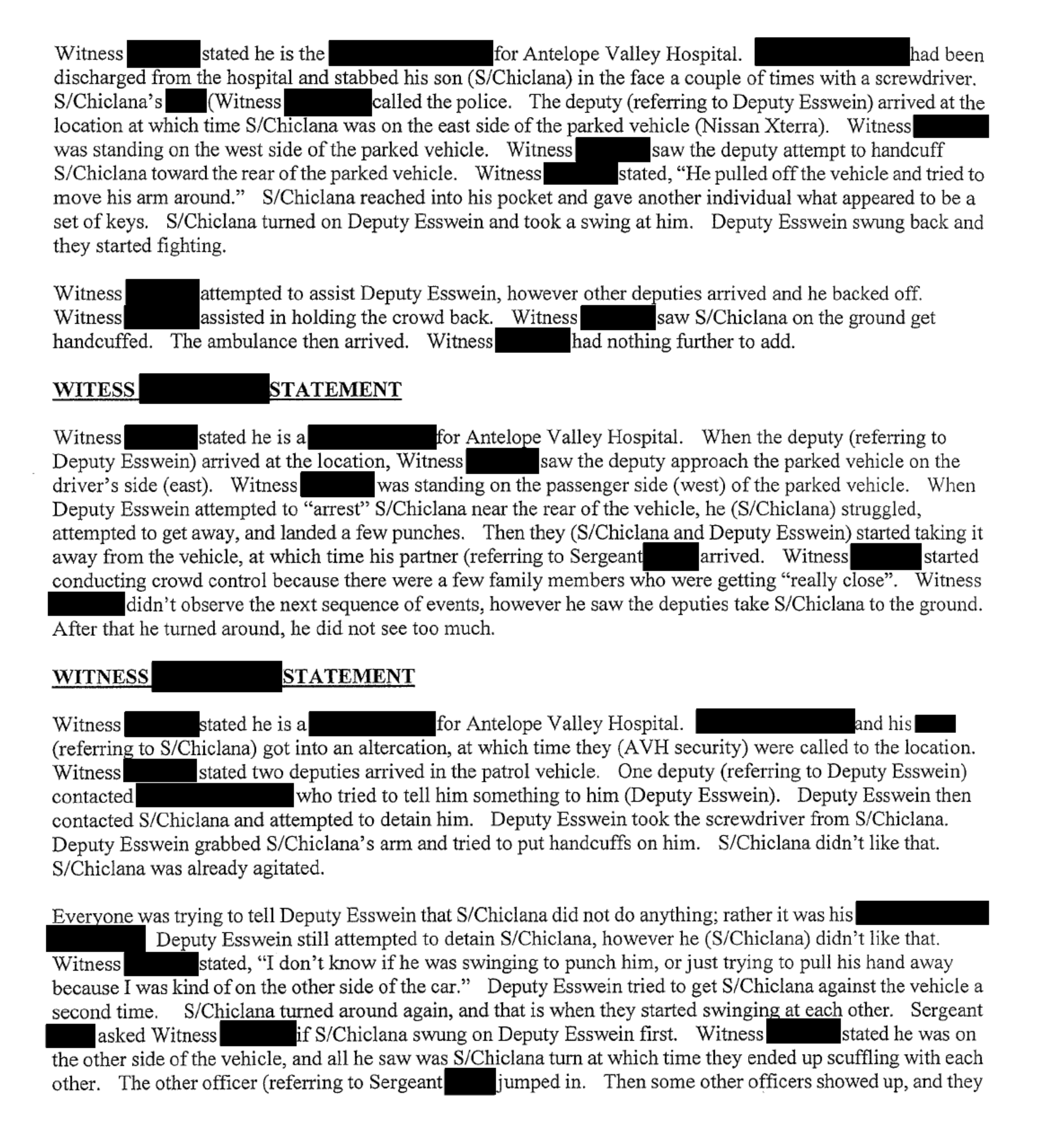
Deputy [redacted] completed a detailed supplemental report documenting his observations related to the use of force.

Witness Interview(s)

Deputies on scene identified six civilian witnesses to this incident. Sergeant [redacted] conducted a videotaped interview with Witness [redacted] Witness [redacted] and Witness [redacted] Deputy Catalan (112T1) also interviewed Witness [redacted] and completed a supplemental report. Deputy Sherman (114) interviewed Witness [redacted] and completed a supplemental report. Deputy [redacted] interviewed Witness [redacted] Witness [redacted] and Witness [redacted] and completed a supplemental report. Deputy Carter interviewed Witness [redacted] and completed a supplemental report. Deputy Sherman and Deputy Catalan arrived at the location after the incident had concluded, and did not witness the use of force.

After being treated for his eye injury, Sergeant [redacted] conducted the video interviews of the AVHMC Security: Witness [redacted] Witness [redacted] and Witness [redacted] They were the only witnesses still at the hospital. The other witnesses had left the hospital prior to Sergeant [redacted] being released by the doctor.

WITNESS [redacted] STATEMENT



Witness [redacted] stated he is the [redacted] for Antelope Valley Hospital. [redacted] had been discharged from the hospital and stabbed his son (S/Chiclana) in the face a couple of times with a screwdriver. S/Chiclana's [redacted] (Witness [redacted] called the police. The deputy (referring to Deputy Esswein) arrived at the location at which time S/Chiclana was on the east side of the parked vehicle (Nissan Xterra). Witness [redacted] was standing on the west side of the parked vehicle. Witness [redacted] saw the deputy attempt to handcuff S/Chiclana toward the rear of the parked vehicle. Witness [redacted] stated, "He pulled off the vehicle and tried to move his arm around." S/Chiclana reached into his pocket and gave another individual what appeared to be a set of keys. S/Chiclana turned on Deputy Esswein and took a swing at him. Deputy Esswein swung back and they started fighting.

Witness [redacted] attempted to assist Deputy Esswein, however other deputies arrived and he backed off. Witness [redacted] assisted in holding the crowd back. Witness [redacted] saw S/Chiclana on the ground get handcuffed. The ambulance then arrived. Witness [redacted] had nothing further to add.

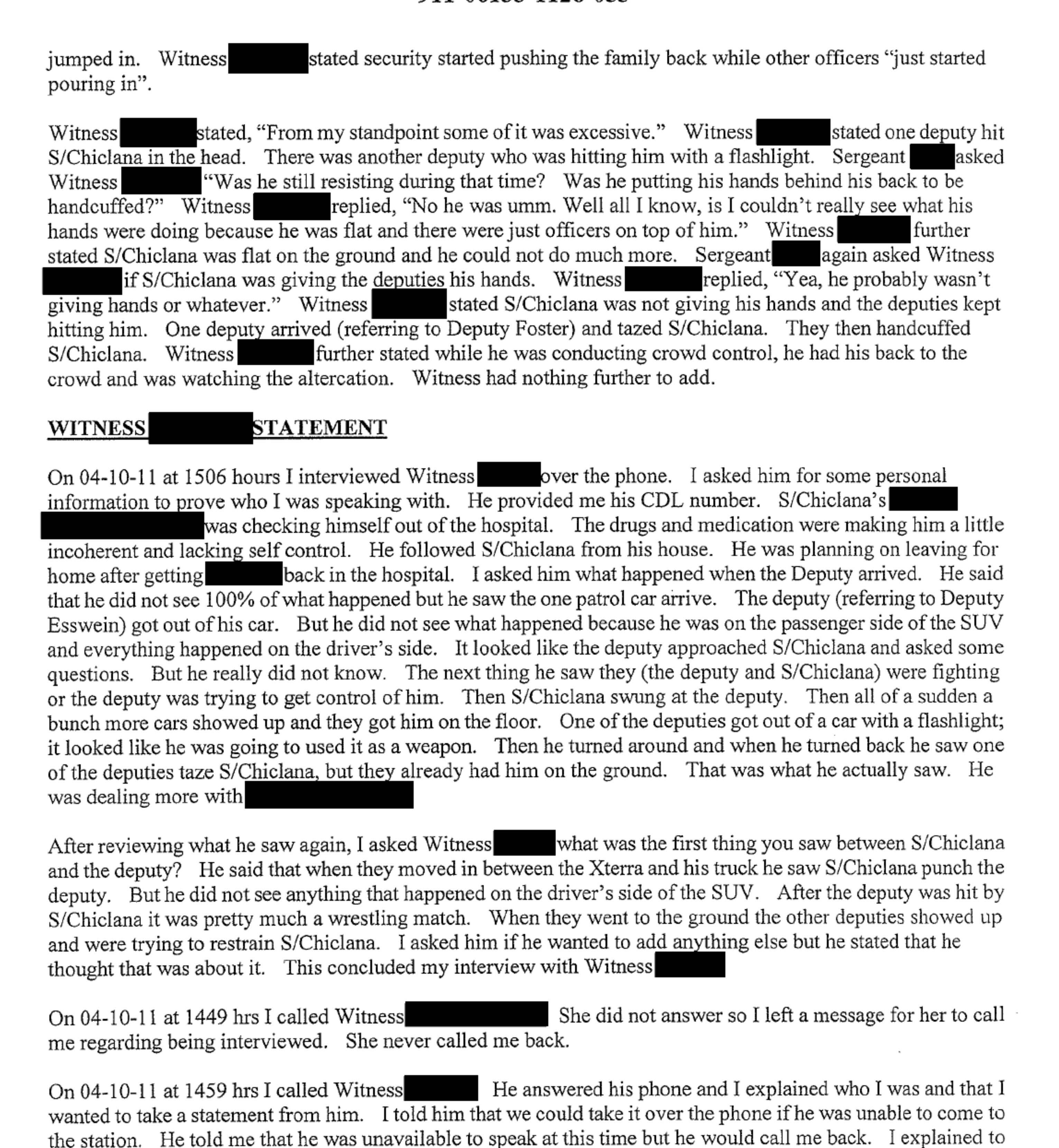
WITNESS [redacted] STATEMENT

Witness [redacted] stated he is a [redacted] for Antelope Valley Hospital. When the deputy (referring to Deputy Esswein) arrived at the location, Witness [redacted] saw the deputy approach the parked vehicle on the driver's side (east). Witness [redacted] was standing on the passenger side (west) of the parked vehicle. When Deputy Esswein attempted to "arrest" S/Chiclana near the rear of the vehicle, he (S/Chiclana) struggled, attempted to get away, and landed a few punches. Then they (S/Chiclana and Deputy Esswein) started taking it away from the vehicle, at which time his partner (referring to Sergeant [redacted] arrived. Witness [redacted] started conducting crowd control because there were a few family members who were getting "really close". Witness [redacted] didn't observe the next sequence of events, however he saw the deputies take S/Chiclana to the ground. After that he turned around, he did not see too much.

WITNESS [redacted] STATEMENT

Witness [redacted] stated he is a [redacted] for Antelope Valley Hospital. [redacted] and his [redacted] (referring to S/Chiclana) got into an altercation, at which time they (AVH security) were called to the location. Witness [redacted] stated two deputies arrived in the patrol vehicle. One deputy (referring to Deputy Esswein) contacted [redacted] who tried to tell him something to him (Deputy Esswein). Deputy Esswein then contacted S/Chiclana and attempted to detain him. Deputy Esswein took the screwdriver from S/Chiclana. Deputy Esswein grabbed S/Chiclana's arm and tried to put handcuffs on him. S/Chiclana didn't like that. S/Chiclana was already agitated.

Everyone was trying to tell Deputy Esswein that S/Chiclana did not do anything; rather it was his [redacted] Deputy Esswein still attempted to detain S/Chiclana, however he (S/Chiclana) didn't like that. Witness [redacted] stated, "I don't know if he was swinging to punch him, or just trying to pull his hand away because I was kind of on the other side of the car." Deputy Esswein tried to get S/Chiclana against the vehicle a second time. S/Chiclana turned around again, and that is when they started swinging at each other. Sergeant [redacted] asked Witness [redacted] if S/Chiclana swung on Deputy Esswein first. Witness [redacted] stated he was on the other side of the vehicle, and all he saw was S/Chiclana turn at which time they ended up scuffling with each other. The other officer (referring to Sergeant [redacted] jumped in. Then some other officers showed up, and they



jumped in. Witness [redacted] stated security started pushing the family back while other officers "just started pouring in".

Witness [redacted] stated, "From my standpoint some of it was excessive." Witness [redacted] stated one deputy hit S/Chiclana in the head. There was another deputy who was hitting him with a flashlight. Sergeant [redacted] asked Witness [redacted] "Was he still resisting during that time? Was he putting his hands behind his back to be handcuffed?" Witness [redacted] replied, "No he was umm. Well all I know, is I couldn't really see what his hands were doing because he was flat and there were just officers on top of him." Witness [redacted] further stated S/Chiclana was flat on the ground and he could not do much more. Sergeant [redacted] again asked Witness [redacted] if S/Chiclana was giving the deputies his hands. Witness [redacted] replied, "Yea, he probably wasn't giving hands or whatever." Witness [redacted] stated S/Chiclana was not giving his hands and the deputies kept hitting him. One deputy arrived (referring to Deputy Foster) and tazed S/Chiclana. They then handcuffed S/Chiclana. Witness [redacted] further stated while he was conducting crowd control, he had his back to the crowd and was watching the altercation. Witness had nothing further to add.

WITNESS [redacted] STATEMENT

On 04-10-11 at 1506 hours I interviewed Witness [redacted] over the phone. I asked him for some personal information to prove who I was speaking with. He provided me his CDL number. S/Chiclana's [redacted] was checking himself out of the hospital. The drugs and medication were making him a little incoherent and lacking self control. He followed S/Chiclana from his house. He was planning on leaving for home after getting [redacted] back in the hospital. I asked him what happened when the Deputy arrived. He said that he did not see 100% of what happened but he saw the one patrol car arrive. The deputy (referring to Deputy Esswein) got out of his car. But he did not see what happened because he was on the passenger side of the SUV and everything happened on the driver's side. It looked like the deputy approached S/Chiclana and asked some questions. But he really did not know. The next thing he saw they (the deputy and S/Chiclana) were fighting or the deputy was trying to get control of him. Then S/Chiclana swung at the deputy. Then all of a sudden a bunch more cars showed up and they got him on the floor. One of the deputies got out of a car with a flashlight; it looked like he was going to used it as a weapon. Then he turned around and when he turned back he saw one of the deputies taze S/Chiclana, but they already had him on the ground. That was what he actually saw. He was dealing more with [redacted]

After reviewing what he saw again, I asked Witness [redacted] what was the first thing you saw between S/Chiclana and the deputy? He said that when they moved in between the Xterra and his truck he saw S/Chiclana punch the deputy. But he did not see anything that happened on the driver's side of the SUV. After the deputy was hit by S/Chiclana it was pretty much a wrestling match. When they went to the ground the other deputies showed up and were trying to restrain S/Chiclana. I asked him if he wanted to add anything else but he stated that he thought that was about it. This concluded my interview with Witness [redacted]

On 04-10-11 at 1449 hrs I called Witness [redacted] She did not answer so I left a message for her to call me regarding being interviewed. She never called me back.

On 04-10-11 at 1459 hrs I called Witness [redacted] He answered his phone and I explained who I was and that I wanted to take a statement from him. I told him that we could take it over the phone if he was unable to come to the station. He told me that he was unavailable to speak at this time but he would call me back. I explained to

him that I will be at the station all night and to call anytime. He never called me back.

WITNESS [redacted] STATEMENT

On 05-17-11 I called W/[redacted] cell phone. A woman answered the phone and I asked her if I was speaking to [redacted] (W/[redacted] which she confirmed that I was. I told her who I was and that I would like to get a statement from her regarding the force used on her [redacted] S/Chiclana. I advised that I had left a message with her approximately a month and a half ago but had not heard from her. She told me that she never received a message but her phone was not working correctly at that time.

I asked her what had happened the day of this incident. She stated that her [redacted] (S/Chiclana) had received a call from the hospital that her [redacted] was leaving the hospital against medical advice. When they arrived at the hospital her [redacted] was outside and not cooperating with them. She called 911 to get help because the security officers would not assist them.

W/[redacted] stated when a deputy arrived (later identified as Deputy Esswein), he contacted S/Chiclana who was already bleeding from the face. She believed Deputy Esswein automatically thought that her [redacted] (S/Chiclana) was the suspect. She believed Deputy Esswein saw there was a bulge in his pocket and asked her [redacted] what was in his pocket. S/Chiclana told Deputy Esswein he had screwdrivers. Deputy Esswein asked him to remove the screwdrivers from his pocket and throw them on the ground. She specifically remembers her [redacted] dropping them because one screwdriver landed on the bumper of her vehicle and the other landed on the ground.

At this time, Deputy Esswein slammed him against the side of her white Xterra. Deputy Esswein was attempting to arrest him, he twisted one of S/Chiclana's arms behind his back and the other arm remained on the vehicle. S/Chiclana turned toward Deputy Esswein and stated that they are the ones who called. Deputy Esswein told him that he did not care and to shut up. Deputy Esswein pushed him back against the Xterra. Again S/Chiclana turned toward him to speak to him. She believed Deputy Esswein thought he was trying to leave. Deputy Esswein punched him and S/Chiclana started to defend himself by pushing Deputy Esswein away. More deputies arrived and were fighting with S/Chiclana. One of the deputies hit her [redacted] in the face with a flashlight, while another on hit him with a baton and others were kicking him. After being handcuffed, S/Chiclana was tazed by a deputy. The last thing she remembered; S/Chiclana was put on a gurney and taken to the emergency room.

While I was reviewing W/[redacted] statement with her, she stated that she saw a deputy with a flashlight hitting S/Chiclana on the back and side; not the face as she first mentioned. But added, S/Chiclana was being hit in the face by a deputy with a baton. She said at one point during the beginning of this incident, a deputy pushed her away when she was attempting to separate S/Chiclana and Deputy Esswein. Her arm got twisted so she just stepped back. Her [redacted] W/[redacted] was also attempting to separate S/Chiclana and Deputy Esswein and was hit in the throat. She did not remember much after that because her [redacted] had fainted and she was trying to help her, so her memory is very vague. This concluded my interview with W/[redacted]

I reviewed the security video to look to see if there was forced used on W/[redacted] At the beginning of the use of force Sergeant [redacted] arrives; he steps between W/[redacted] and S/Chiclana. As he does that, she backs away. It does not appear that he touches her during this incident. As far as W/[redacted] perspective that W/[redacted]

was struck, the video showed W/[redacted] step back when Sergeant [redacted] arrived. After that he was prevented from becoming involved by hospital security and later by deputy personnel. There was no evidence those incidents occurred.

WITNESS [redacted] STATEMENT

On 05-24-11 I phoned W/[redacted] I asked him if he would give me a statement regarding the force he witnessed used on S/Marco Chiclana which occurred on 04-02-11 at Antelope Valley Hospital Medical Center. He stated that he would and put me on his speaker phone as he was driving.

W/[redacted] was standing on the driver's side of S/Chiclana's Nissan Xterra when the deputy (later identified as Deputy Esswein) arrived. Deputy Esswein contacted him first. As he was talking to Deputy Esswein, S/Chiclana came walking up from behind the Xterra. S/Chiclana had his hands in his pockets. Deputy Esswein asked him what was in his (S/Chiclana's) pocket. S/Chiclana told him that he had a screwdriver in his pocket. Deputy Esswein told him to remove the screwdriver and drop it.

After the screwdriver was dropped, Deputy Esswein placed S/Chiclana against the Xterra and started to place his hands behind his back. S/Chiclana was attempting to turn around, telling Deputy Esswein that he was the victim. Deputy Esswein told S/Chiclana several times to put his hands behind his back and stop resisting. S/Chiclana did not comply with his orders, so Deputy Esswein pushed him against the Xterra. At this point, S/Chiclana turned around and faced Deputy Esswein. They started to struggle with each other; flailing their arms and hands. W/[redacted] was not sure if they were punching or just grabbing each other. As this incident continued, a second deputy arrived (later identified as Sergeant [redacted] With his help they took S/Chiclana to the ground. They placed their knees on S/Chiclana's arms and were able to handcuff him. After he was handcuffed, several other deputies arrived and started to punch, hit and strike S/Chiclana. He saw one deputy hit S/Chiclana twice in the face with what W/[redacted] described as a black elongated object and another deputy used the taser on S/Chiclana. I asked him if there was anything else. He stated that everything was happening so fast that that is was hard to describe.

I asked W/[redacted] where he was standing during this incident. He said that he was approximately 50 feet from the incident. The hospital security was standing between them and the deputies to keep them at bay. I asked him if S/Chiclana was following Deputy Esswein orders. He admitted that he was not actually doing what Deputy Esswein was asking him to do. This concluded my interview with W/[redacted]

Suspect Interview(s)

Suspect Interview(s) Conducted By: ☒ **Watch Commander** ☒ **Supervising Sergeant**

FIELD SERGEANT INTERVIEW

Sergeant [redacted] was the only field supervisor on duty at the time of this use of force. There was no other sergeant on duty that could leave the station. Sergeant Pfrehm was the Station Watch Commander and Deputy Reddish was the Watch Sergeant. With this in mind, Sergeant [redacted] had to conduct the interview.

On April 2nd 2011, at approximately 1919 hrs, Sergeant [redacted] conducted a videotaped interview with S/Chiclana

inside the emergency room of Antelope Valley Hospital. S/Chiclana stated the following:

S/Chiclana got into an argument with his [redacted] at which time he cut him with a screwdriver. The deputy (referring to Deputy Esswein) arrived at the location. S/Chiclana contacted Deputy Esswein and told him that he (S/Chiclana) was the person who called to detain his [redacted] Deputy Esswein stated, "Hey I don't know who you are." S/Chiclana told Deputy Esswein that he was the person who called and needed help and assistance with his [redacted] S/Chiclana told Deputy Esswein that he had a screwdriver in his pocket, and he pulled it out. S/Chiclana told Deputy Esswein that he was going to give the screwdriver to someone else. Deputy Esswein told S/Chiclana that he didn't care and then grabbed his arm. Deputy Esswein slammed S/Chiclana against his vehicle (referring to the Nissan Xterra). S/Chiclana told Deputy Esswein, "It's not like that let me explain it to you." S/Chiclana stated at that time Deputy Esswein probably felt threatened by him. S/Chiclana told Deputy Esswein, "It's not like that." Deputy Esswein slammed S/Chiclana against the parked vehicle.

S/Chiclana told Deputy Esswein to stop. Deputy Esswein told S/Chiclana that he "didn't give a fuck" what he had to say. Sergeant [redacted] asked S/Chiclana if Deputy Esswein asked him to turn around and place his hands behind his back. S/Chiclana replied, "Yes. And I go, hey let me explain." Sergeant [redacted] asked Suspect Chiclana why he didn't put his hands behind his back. S/Chiclana replied, "I started to, but it didn't really work out." S/Chiclana asked Deputy Esswein to let him explain the situation. Deputy Esswein then pushed S/Chiclana's head against the vehicle really hard. S/Chiclana got really upset and turned around. Deputy Esswein really slammed into S/Chiclana and sucker punched him.

S/Chiclana turned around and hit Deputy Esswein. S/Chiclana stated, "We started fighting like idiots man, and went to the floor. Before I got hit there were more deputies hitting me before I went down." Sergeant [redacted] asked S/Chiclana if he got tazed while on the floor. S/Chiclana replied, "Yes I did." S/Chiclana stated he was handcuffed and someone's knee was in his back. Sergeant [redacted] asked S/Chiclana if he had anything further to add. S/Chiclana replied, "Nothing sir. I'm finished."

For clarification purposes, Sergeant [redacted] went over the incident with S/Chiclana one more time. S/Chiclana provided roughly the same account of the incident. In doing so, S/Chiclana agreed with the fact that Deputy Esswein did not know "who was who" (referring to the suspect or victim) when he arrived on scene. S/Chiclana stated he removed the screwdriver from his pocket, but had no intention of assaulting the deputy. Nothing further was highlighted in the second account of the incident. S/Chiclana complained of pain to the right and left side of his face, his nose, jaw, lower back, right elbow, and hands.

WATCH COMMANDER INTERVIEW

On April 2nd 2011, at approximately 2135hrs, I, Watch Commander Sergeant Pfrehm conducted a videotaped interview with S/Chiclana at the Lancaster Station jail. S/Chiclana stated the following:

S/Chiclana complained of pain to the left of his face and the right side of his head. He also complained of pain to his right arm and his back. I saw S/Chiclana's left eye was swollen. He had an abrasion to his forehead, lower lip, and both cheeks (left and right). Additionally, S/Chiclana had bruising to his right upper arm. S/Chiclana stated he received medical attention at the hospital for his injuries.

Medical Review

S/Chiclana was transported to Antelope Valley Hospital and treated for his injuries (patient #707565) by Doctor Michael Gertz. Sergeant [redacted] saw S/Chiclana's left eye was swollen, he had an approximately two inch abrasion to his forehead, an approximate one inch abrasion to his lower lip, an approximate two inch abrasion to both cheeks (left and right), and bruising to his right upper arm. S/Chiclana complained of pain to the right and left side of his face, his nose, jaw, lower back, right elbow, and hands. Doctor Gertz diagnosed S/Chiclana with a fracture to his right orbital bone and nose, and noted that S/Chiclana showed no signs of "choke out" syndrome (see attached medical clearance paperwork). Doctor Gertz stated S/Chiclana's injuries were consistent with the use of personal weapons, impact weapons, and a takedown.

Sergeant [redacted] was treated at Antelope Valley Hospital for his injuries by Doctor Miranda. Sergeant [redacted] received an approximate one quarter inch laceration on his upper right eyelid, lower right eyelid, and inner right eyelid. In addition, Sergeant [redacted] right eye was medicated and cleaned of S/Chiclana's blood.

Deputy Esswein was treated at Antelope Valley Hospital for his injuries by Doctor Miranda. Deputy Esswein's right hand was swollen and slightly bruised as a result of the incident.

Deputy Foster was treated at Antelope valley Hospital for his injuries by Doctor Hussain. Deputy Foster's right knee was swollen and slightly bruised as a result of the incident.

Deputy [redacted] left knee was slightly bruised as a result of the incident. He refused medical treatment.

Training & Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

I spoke to all the deputies involved in the incident regarding the tactics used.

I believe deputy personnel did an excellent job with the escalation of force. Deputy Esswein started with verbal commands, and escalated to control holds and personal weapons. Sergeant [redacted] realized Deputy Esswein's efforts to control S/Chiclana were ineffective. He escalated his force in response to the suspect's assaultive /high risk behavior by attempting to use the carotid restraint. As additional deputies arrived, they attempted to use personal weapons and impact weapons (flashlight) with little to no success. Finally, Deputy Foster was able to deploy and activate his Taser which proved initially to be ineffective. It was only after a second Taser activation, that S/Chiclana stopped his assaultive actions. Responding deputies showed maturity and control in an extremely tense and uncertain incident, and escalated the force in response to the suspect's continued aggression.

In addition, S/Chiclana was an extremely large individual (5'08" / 270 lbs). His stomach was extremely large, thus providing a great deal of protection to his abdomen, rib bones, and arm bones. Personal weapons and impact weapons were ineffective against these areas, which was probably due to his obesity. Last, the carotid restraint was near impossible to apply, again due to S/Chiclana's large physique. His neck was very large, and shoulders were broad. His neck was very wide and rather short, thus making application of the carotid restraint difficult. S/Chiclana was average height and obese, giving him a low center of gravity, and a physical

advantage over deputy personnel. His large physical status combined with his enraged angered state, made it near impossible to apprehend him without the use of multiple deputies and less lethal options such as the Taser. Therefore, based on the inquiry into the incident and the above information, the force used was objectively reasonable, properly reported, and within Department policy. I recommend no further action regarding this investigation. However, the following tactical recommendations should be considered:

Deputy Esswein should not have contacted S/Chiclana and [redacted] by himself, due to the fact he was a one man car and the call indicated a weapon (screwdriver) had just been used in a felonious assault, and the suspect was still at the location. A preferred tactical consideration would have been for Deputy Esswein to hold both parties at gunpoint, relay additional information via his radio, and wait for assisting units. Doing so, would have increased officer safety and could have enhanced the chances of avoiding an altercation with either party. Another option that was discussed with Deputy Esswein was the use of OC Spray. He stated that wind was blowing at approximately 15 MPH and whipping in around the buildings. This could have caused the residual spray from the initial application to effect him in a negative matter which would have placed him at risk if the suspect was not incapacitated by the spray. I have expressed my concerns and tactical considerations with all deputies involved and they were receptive to my suggestions.

Further investigation into the possession of the screwdrivers during the incident, revealed the following: Deputy Esswein's state of mind during the dangerous and rapidly evolving situation was that S/Chiclana had handed the screwdrivers to another male standing near the scene. However, a closer examination of the security video revealed that S/Chiclana did not hand the screwdrivers off but possibly dropped the screwdrivers on the bumper and ground where they were recovered. With the numerous amount of people involved in the incident and the confusion that followed, it is understandable that Deputy Esswein may have been mistaken on the final whereabouts of the screwdrivers.

Watch Commander's Review

Legal Standing:

The deputies responded to Antelope Valley Hospital in regards to an "assault with a deadly weapon, just occurred" call. Deputy Esswein contacted persons in and around a vehicle which matched the description of the suspect's vehicle. Deputy Esswein attempted to detain the suspect, but the suspect began to assault Deputy Esswein. The deputies acted within the parameters of their duties when they intervened, took control of the situation, and which ultimately resulted in the suspect being taken into custody. Failure to intervene could have exposed the deputies, as well as the Department, to civil liability. Once assaulted, Deputy Esswein had every right to protect himself from further assault, and the responding Deputies were acting within the scope of their duties as they attempted to effect the arrest of the suspect.

Tactical Considerations:

There was a tactical concern that should be addressed as a result of this incident: Deputy Esswein's decision to contact the occupants of the vehicle by himself. Had Deputy Esswein waited until additional units arrived to his location, prior to contacting the vehicle, this violent physical encounter might have been diminished or

eliminated. I understand that there were already additional units present at the other side of the hospital, and Deputy Esswein knew that numerous additional units were just "seconds out" from the hospital grounds. I feel a better option would have been to monitor the suspect vehicle and occupants while requesting units to respond to his immediate location, prior to contacting the parties involved.

Deputy Esswein did a fine job of requesting assistance at the first sign of physical resistance by the suspect. These issues will be addressed with the involved deputies.

Conclusion:

Aside from the concern raised above, and after reviewing the report, supplemental reports, videotaped interviews, and security video of this incident, I believe the force used in response to the suspect's resistive and assaultive actions was objectively reasonable, and within Department policy. I believe all Deputies involved acted appropriately under the circumstances. I recommend no further action.

Case Status

On 04-19-11 the District Attorney's Office charged S/Chiclana with two counts of 243(c)(2) PC; one count of 69 PC; one count of 245(c) and one count of 664/203 under Case #MA052518.

Along with S/Chiclana, his [redacted] (FH/[redacted] and his [redacted] was charged with one count of 69 PC each under Case # MA052518. His [redacted] was charged with one count of 245(a)(1) PC under Case # MA052519.

The following documents are attached in this report:

1) (1) Los Angeles County Sheriff's Department Incident Report (SH-R-49), File # 911-06133-1126-053
2) (12) Supplementary Reports by Sergeant [redacted] Deputy [redacted] Deputy [redacted] Deputy Foster, Deputy [redacted] Deputy [redacted] Deputy [redacted] Deputy Catalan, Deputy Sherman and Deputy [redacted]
3) Medical clearance paperwork for S/Chiclana.
4) (1) DVD-R containing videotaped interviews and pictures of the location, and pictures of injuries
5) (1) DVD-R containing security video footage.
6) (1) CD-R containing audio interview of Witness [redacted] Witness [redacted] & Witness [redacted]
7) Taser download for X-26 taser (serial # X00-175814)
8) In-Service sheet for Saturday April 2nd 2011, PM Shift
9) Copy of Incident Details for incident LAN11092-0251
10) IAB notification form
11) Deputy Daily Worksheet for 110S, 111, 111A, 111B, 111T1, 112D & 112N.